

CLARKE COUNTY BOARD OF SUPERVISORS  
October 22, 2003                      Public Hearing                      9:00 a.m.  
Board of Supervisors' Meeting Room

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Wednesday, October 22, 2003.

**Present**

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, and Supervisor Weiss

**Also Present**

David Ash, Jeff Lineberry, Bob Childress, Ricky Pope, Jim Wink, Anne Caldwell, Jerry Herrmann, Val Van Meter and other citizens and members of the press.

**Call To Order**

Chairman Staelin called the meeting to order at 7:32 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

**Virginia Department Of Transportation**

**VDOT Monthly Update**

Jeff Lineberry, Resident Engineer, appeared before the Board to provide the monthly VDOT update.

*Route 50 Bridge Repair*

The maintenance repair of the Route 50 bridge is complete.

*Primary Highway Plan*

Mr. Lineberry thanked Chairman Staelin for attending the Primary Highway Plan meeting held at the Broadway High School.

*Traffic Study*

VDOT is getting the process started for a traffic study. A truck traffic study is being conducted by Frederick County on Route 672 and Route 661. They are looking at alternatives and possible restrictions.

*Hurricane Isabel Clean Up*

The clean up of brush and trees continues following Hurricane Isabel. Clean up will continue through the fall and winter. Brush on Route 605 is a concern. Clarke County VDOT crews are assisting in both Warren and Page Counties that were harder hit than our local area.

*Route 612*

Supervisor Weiss opined that the old section of Route 612 was becoming a thoroughfare to Route 7. While the current speed limit is 55 mph, Mr. Weiss requested the speed on that route to be lowered to 45 mph.

Supervisor Weiss informed the Board that Tom Wolfe, a resident on Route 612, recently cut down a bank on his driveway and queried VDOT as to why this is the homeowner's responsibility. Mr. Lineberry stated that with so many similar situations existing here and throughout the State funds not available for such activities; therefore, it falls upon the homeowner to initiate and cover the expense.

#### *Route 608 Parshall Road*

Supervisor Weiss brought to the attention of VDOT the gravel on the roadway in the right-hand turn on Parshall Road and Route 7. He requested that section of highway be asphalted and/or cleaned up to improve safety.

#### *Springsbury Road*

Chairman Staelin requested a "Road Narrows" sign on the appropriate section of that roadway to warn oncoming motorists.

#### *Route 7 Business Signal Light*

Jeff Lineberry apprised Mr. Staelin that the signal light has been approved and will be installed after the first of the year. This project is still on schedule but there were other VDOT projects in the County to be completed before the installation of the light.

#### *Route 621 and Route 651*

Chairman Staelin requested VDOT finish the project started some months ago on these routes. He noted there was still a Caution Low Shoulder sign on the road.

#### *Allen Road*

Barbara Byrd relayed the constituent requests for Allen Road, which is unpaved. While the right-hand turns do slow traffic by the subdivision, it does create safety concerns for parents in that area. They are requesting Children At Play signs be posted. Jeff Lineberry stated that the homeowners could post signs on their own property; however, to post on County property, it requires action by the Board.

#### *Triple J Road*

Supervisor Byrd put forth the concerns expressed by residents on Triple J Road.

- Electronic enforcement or increased time during peak traffic hours at the intersection of Triple J Road and Route 7. Mr. Lineberry explained that it requires special legislation to allow a County to enforce the electronic monitoring and only a few Counties have been granted this option. The light could be synchronized to allow more time during rush hour. However, he did advise that this could cause delays on the side roads feeding into the intersection.
- Addition of more speed limit signs on Triple J Road. Mr. Lineberry stated that speed limit signs are typically placed at intersections and/or areas where traffic enters the roadway.

#### *Pierce Road*

Supervisor Byrd put forth the concerns expressed by residents on Pierce Road.

- Expansion of the small turn lane on Pierce Road. Currently, there is not a lot of room to change lanes.
- Place No Parking signs along this turn lane to improve visibility, which constituents opine is impaired by trucks parking on the roadside.
- Narrow section and limited visibility at the top of the hill at 1259 Pierce Road.

#### *Route 640 Withers Larue Road*

Supervisor Byrd put forth the concerns from residents on Withers Larue Road.

- Place signs on road to warn of dangerous curves in the area near the West Virginia line.
- Some residents along the road have complained about the length of time it takes to have snow removed from their road. VDOT explained how the drivers of the snowplows determine which roads to clear and in what sequence. Primary roadways are the first priority with no specific priority given to secondary roads. Further, VDOT does not plow any private lanes.
- Residents have requested painted lines on the road. Mr. Lineberry stated this could be done if the road meets VDOT's criteria being at least 18 ft. wide and carries a minimum of 500 vehicles per day.

#### *Crums Church Road*

Supervisor Byrd put forth that residents along this road voiced concerns for safety due to the numerous passing zones in front of driveways. Jeff Lineberry stated that VDOT could look at the passing zones and make a recommendation.

#### *Additional Requests*

- Lower Speed Limit from 55 to 45 on Cather Road.
- Lower Speed Limit from 55 to 45 on Crums Church Road.
- Lower Speed Limit from 55 to 45 on Fish Paw Road.
- Lower Speed Limit from 55 to 45 at Hermitage on Route 340 by VFW.
- Stop light at entrance of Food Lion and Hermitage.
- Lower Speed Limit from 55 to 45 on Kimble Road
- Lower Speed Limit from 55 to 45 on Lewisville Road.
- Lower Speed Limit from 55 to 45 on Longmarsh.
- Lower Speed Limit from 55 to 45 on Old Charlestown Road.
- Lower Speed Limit from 55 to 45 on Pierce Road.
- Lower Speed Limit from 55 to 45 on Pyletown Road to Salem Church Road
- Lower Speed Limit from 55 to 45 on Russell Road.
- Lower Speed Limit from 55 to 45 on Salem Church to Senseny Road
- Lower Speed Limit from 55 to 45 on Stringtown Road.
- Lower Speed Limit from 55 to 45 on Summit Point Road to coincide with West Virginia's posted speed limit for this road. It has also been requested that signs be placed for Summit Point on the roadway.
- Lower Speed Limit from 55 to 45 on Swimley Road.
- Lower Speed Limit from 55 to 45 on improved end of Triple J.
- Lower Speed Limit from 55 to 45 on Wadesville Road.
- Lower Speed Limit from 55 to 45 on Westwood Road.
- Lower Speed Limit from 55 to 45 on Withers Larue Road.
- Lower Speed Limit from 55 to 45 on Wrights Mill Road.

#### **VDOT Secondary Six-Year Plan Public Hearing**

Jeff Lineberry, Resident Engineer, appeared before the Board to open the public hearing. Mr. Lineberry introduced accompanying staff, Bob Childress, Assistant Resident Engineer, and Ricky Pope, Maintenance Superintendent Berryville Headquarters. Mr. Lineberry stated that any one wishing to speak was required to complete cards, which were furnished by VDOT. He explained that the purpose of the meeting was to review the Secondary Six-Year Plan for 2004-2005 through 2009-2010 and only the secondary system would be discussed at this hearing.

The Secondary Six-Year Plan is updated on an annual basis, which allows VDOT to remove completed projects. Funding sources for the secondary system are from State and Federal taxes, sales tax, etc.; and the money is allocated statewide using a calculation of 80% population and 20% area. Currently, there are 211 miles of secondary roads in Clarke County of which 33 miles is non-hard surface road.

The three categories in the plan with projected allocations for 2004-2005 are as follows:

- |                                |           |
|--------------------------------|-----------|
| • Incidental Construction:     | \$160,000 |
| • Regular Construction:        | \$439,751 |
| • Unpaved Construction:        | \$116,164 |
| • Total Estimated Allocations: | \$715,915 |

Mr. Lineberry explained that the preliminary engineering [PE] phase must be 100% funded before moving to the right-of-way [RW] phase. The right-of-way phase must also be 100% funded before moving to the construction [CON] phase. Construction cannot proceed until they receive 70% of the funding.

Jeff Lineberry reviewed the plan by line item. He gave a brief update on some items. A public hearing on Jack Enders Boulevard was recently conducted at the Berryville Town Council Chambers. There is a survey in process on the reconstruction and paving of Westwood Road. The reconstruction and surface treatment on Ebenezer Road, Route 604, north end, includes three drainage structures. The rights-of-way are also available. On the south end of Ebenezer Road, Route 604, there are also plans to reconstruct and surface treat the road. There is a possible addition of a railroad crossing on Josephine Street, which would come from federal highway safety funds.

At 8:11 p.m., Jeff Lineberry opened the public comment segment of the hearing.

**Doug Marr:** 1948 Morgans Mill Road, Bluemont, appeared before the Board to voice his concerns regarding Route 604 and Route 605. Some points put forth were the need for maintenance, roads washed out by the recent storms, loss of road base and loss of gravel, repairs to ditches and the need to widen the road. He provided pictures to the Board of the current road conditions. He expressed concern that should the project be delayed, as it has in the past, it will result in safety hazards. One of the pictures depicted two vehicles that were unable to pass on the road, thus requiring one vehicle to back up.

Mr. Marr asked the cost per year to maintain a gravel road like 605. Per VDOT, the cost is approximately \$5,000 per mile per year, which can be higher depending upon various conditions and circumstances.

**Anne Caldwell:** 400 Riverview Farm Lane, Bluemont, addressed the Board concerning Route 604 and 605. She expressed her opinion that the drainage areas appeared adequate. However, there was need to increase road width and improve ditches. She asked VDOT for detail as to the differentiations between regular improvements, pave-in-place and rural rustic roads.

VDOT provided the following explanations.

**Regular Improved:** The road is at least 18 feet wide with 3-4 feet of shoulder with an additional 3 feet to ditch with a 50-foot right of way. There is a road base and all weather surface treatment.

**Pave-in-place:** This strategy is typically for roads with 500 to 750 vehicles per day. This type road allows for some minor and spot improvements such as sight and drainage issues. The paving is done in the existing right of way but can be done with 45 feet of right of way. Bob Childress put forth that on 607 the terrain dictated the road. He stated there are underground waterlines, which was the reason so many trees were cleared.

**Rural Rustic:** The road would typically handle 50 to 500 vehicles per day. The existing roadway would be paved with no drainage or grading. This is the least costly alternative and may be the mostly likely given the budget constraints. To get a Rural Rustic designation, it requires placement on the Secondary Six-Year Plan and action by the Board of Supervisors. The Board must also state that the traffic on the road is not expected to grow significantly over the next ten years.

**Ken Sherper:** 941 Toy Hill Lane, Bluemont, addressed the Board concerning Route 604. Mr. Sherper expressed his pleasure at the Priority 1 designation assigned to Route 604 stating that the route has been long neglected. He strongly supports paving the road; and sited safety issues when meeting or passing vehicles, increased traffic, as well as culverts that washed out after recent flooding, and drainage improvements. He is opposed to the rural rustic designation for the road, since it is limited in grading and base. He informed the Board that during Hurricane Isabel when the Shenandoah River was flooded they were cut off from emergency vehicles.

**James Payne:** 4041 Ebenezer Road, Bluemont, addressed the Board concerning Route 604. Mr. Payne put forth that four years ago improvements on this road were to be accelerated according to VDOT and the Board of Supervisors. He further remonstrated that he has been actively pursuing road improvements for the past 16 years and that 15 people have

said they will donate the right of way for the road improvements. He opined that the inadequacy of the road added to the destruction of a home in the area causing difficulties in accessing the structure. Further, the pictures presented by Mr. Marr were a good representation of daily life noting. As for school bus traffic on the road, two buses meet on the road daily and there are no shoulders or low shoulders on this road. Mr. Payne harangued that he could see no benefit for his tax dollars.

Mr. Lineberry said that it was possible to do some sections as rural rustic. However, if sections required grading and/or drainage, they must go to the higher lever.

**Jim Wink:** 1162 Pine Grove Road, Bluemont, addressed the Board concerning Route 604. Mr. Wink stated that he had traveled the road and had to back up 70 yards when he met a truck. He stated for the audience and the Board that he had worked with Representative Joe May in the development of the rural rustic standard. He opined that the road needs to be re-cut and re-engineered. He wished to go on record stating that the roads should be paved immediately due to the danger it presents to school buses using this roadway.

**Ken Erickson:** 422 Duke Lane, Bluemont, addressed the Board concerning Route 604. Mr. Erickson stated that he concurred with the concerns expressed by previous speakers. He opined that they had been waiting longer than four years for the road improvements. After receiving assurances that road improvements would be moved to the top of the list, it was moved to the bottom of the list by the Board of Supervisors.

Chairman Staelin clarified that what the Board of Supervisors dropped was the northern most unpaved section of Route 604 and that the change in priority status on this most northern section of the road was as a result of comments at a public hearing. The section currently scheduled for paving had its priority raised when the other section was dropped.

Bob Childress, VDOT Assistant Resident Engineer, elucidated that the northern section had been on the plan. The design was in process and right of way had been secured; however, as a result of a public hearing, it was taken off of the plan. To queries from the public as to how the money for 604 was used, Mr. Childress stated that it was redistributed and he could not say definitively to which project[s].

Jeff Lineberry, VDOT Resident Engineer, stated that 604 had been added to the plan in 1997 and will be advertised for construction in late 2007. He explained that every county in the State has a number of unpaved roads and there was more need than available resources. VDOT does try to get donated right of way and this has been done on 604. He assured those present that the improvements were funded in this plan.

**Tom Bergner:** 221 Duke Lane, addressed the Board concerning Route 604. Mr. Bergner stated that Ricky Pope and VDOT had done a good job this year keeping the road cleared. He explained that Route 604 was the only road residents had to travel. He queried VDOT about the differences in the construction costs requesting what percentage of the increased cost was attributable to drainage. Mr. Lineberry stated that it was difficult to say without reviewing all the data. Also, it is difficult to establish a cost per mile per year for maintenance due to varying factors.

**Phillip Fowler:** 221 Peaceful Hollow Pond, addressed the Board concerning Route 604 and Route 605. Mr. Fowler thanked VDOT for the improvements to Route 607 opining that the road was just right and the tree removal was appreciated. He stated his belief that removal of trees along the road is good and they can grow back. He called attention to the dead trees along Route 604 that needed to be removed. He remonstrated that Route 605 is a disgrace to civilization. He expressed his opinion that the ditches needed to be filled, the brush cut down and that the hill is difficult to get up in winter. He opined that the road is so narrow that when he met a school bus and he had to go up onto the bank. He said that the road is "an accident waiting to happen" and he has heard rumors that parents will sue if their children are hurt.

**Harold & Beth Grise**: 36 Toy Hill Lane, addressed the Board concerning Route 604. Mr. Grise stated that he and his wife agreed with most of the things said by previous speakers regarding Route 604 and Route 605. He said that they had lived in the area for about a year. He stated his wife has been run off the road. He expressed concern for their children, who ride the bus, explaining that in bad weather his children must be taken to Route 606 because the buses will not go onto Route 604.

James Payne wished to comment regarding bus routes used in the event of inclement weather. He stated that while it may be fine in the valley it could be bad on the mountain. He argued that if it is unsafe to have a bus travel the road it is unsafe for the children to be driven down this same road to another location by their parents.

**Philip Cohen**: 165 Toy Hill Lane, addressed the Board concerning Route 604. Mr. Cohen stated that he was a new resident on Route 604. He explained that he works at the hospital in Loudoun County and when he purchased his home he assumed that the only road into his home would be passable. However, during Hurricane Isabel, the road washed out leaving him incapable of getting to work. He begged the Board of Supervisors to fix the road.

Chairman Staelin explained that funding for the Department of Transportation had been cut by one third. He put forth that Route 603 did not get the right of way and was dropped from the Six-Year Plan. Route 644 was also dropped from the Six-Year Plan. These changes raised Route 604 on the list. However, one of the challenges facing the County is that it only gets \$100,000 allocated from the State per year for paving roads. He assured those present that Route 604 was a top priority; and as funding was available, the County would continue to add paved roads.

Bob Childress stated that last year VDOT's budget was reduced 30% to 40% and they dropped three projects that they could not fund. They have had to spread the remaining money over the whole plan. He stated that VDOT could try to fix some of the problems on Route 604 and 605 under the normal maintenance program.

Ken Sherper stated that he now knew Chairman Staelin's position on Route 604 and asked if they could hear from the rest of the Board.

**Vice Chairman Hobert** expressed his support of the improvements to Route 604. He said that he had spent time on these roads and has had to back up as well. He further noted that when you make a decision to live on a mountain you make a decision to tolerate some inconvenience.

Mr. Hobert asked questions regarding Westwood Road and the change in cost. Mr. Childress responded that the designers had performed a closer review and felt this number was more nearly accurate. Jeff Lineberry clarified that as a project develops you get more detail, which can result in increases. Mr. Hobert was informed that the original numbers for Route 604, Ebenezer Road, were a first-look estimate.

**Supervisor Byrd** expressed her support of the improvements to Route 604. She also asked if Old Charlestown Pike could be added back onto the Secondary Six-Year Plan. She cited the 2,800 home subdivision planned in Frederick County that will adversely affect this road. Bob Childress explained that to go on the Plan it had to be funded. Following discussion, there was consensus that this road would be placed on the list of roads to be considered for inclusion on the Secondary Six-Year Plan next year; but the current plan would not be changed.

**Supervisor Weiss** stated that it was a matter of priorities. Route 604 has been assigned a Priority 1 rating and he did not intend to remove that rating.

Jeff Lineberry presented the following resolution for the Boards review.

## RESOLUTION

### Virginia Department of Transportation Secondary Six-Year Plan and Construction Budget

WHEREAS, the Clarke County Board of Supervisors and the Virginia Department of Transportation held a joint public hearing on October 22, 2003 in reference to the Secondary Six-Year Plan and Construction Budget.

WHEREAS, the Public Hearing notice stated that the purpose of the Public Hearing is to present the proposed Secondary Six-Year Plan for the 2004-2005 through 2009-2010 fiscal years, which lists secondary road system improvements in Clarke County. The first year of the plan will be the Construction Budget for expenditure of improvement funds for the next fiscal year, 2004-2005.

NOW, THEREFORE LET IT BE RESOLVED, the Board of Supervisors approved the Secondary Six-Year Plan as presented by the Virginia Department of Transportation.

NOW, THEREFORE LET IT BE RESOLVED, the Board of Supervisors approved the Construction Budget for fiscal year 2004-2005.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Adopted: October 22, 2003

Copy Teste:

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Chairman, Clarke County Board of Supervisors

**Vice Chairman Hobert moved to adopt the resolution Virginia Department of Transportation Secondary Six-Year Plan and Construction Budget.**

**The motion was approved by the following vote:**

Chairman Staelin	-	Aye
Vice Chairman Hobert	-	Aye
Supervisor Byrd	-	Aye
Supervisor Dunning	-	Absent
Supervisor Weiss	-	Aye

Jeff Lineberry closed the public comment portion of the hearing at 9:25 p.m.

#### Next Meeting:

The next regular meeting of the Board of Supervisors is set for November 18, 2003 at 9:00 a.m. in the Board of Supervisors Meeting Room at 102 North Church Street, 2nd Floor, Berryville, VA 22611.

#### Adjournment:

There being no further business to be brought before the Board the Chairman adjourned the meeting at 9:27 p.m.

ATTEST: October 22, 2003

\_\_\_\_\_  
John Staelin, Chairman

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David L. Ash, County Administrator